

1 Elwood Lui (SBN 45538)
elui@jonesday.com
2 Thomas A. Rector (SBN 199175)
tarector@jonesday.com
3 JONES DAY
555 California Street, 26th Floor
4 San Francisco, CA 94104
Telephone: (415) 626-3939
5 Facsimile: (415) 875-5700

6 Hugh Whiting
hrwhiting@jonesday.com
7 (pro hac vice application to be filed)
JONES DAY
8 717 Texas, Suite 3300
Houston, TX 77002
9 Telephone: (832) 239-3939
Facsimile: (832) 239-3600

10 Thomas E. Fennell
tefennell@jonesday.com
11 (pro hac vice application to be filed)
12 Michael L. Rice
mlrice@jonesday.com
13 (pro hac vice application to be filed)
JONES DAY
14 2727 N. Harwood St.
Dallas, TX 75201
15 Telephone: (214) 220-3939
Facsimile: (214) 969-5100

16 Attorneys for Defendants
17 MATTEL, INC. AND FISHER-PRICE, INC.

18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

20 AMY HARRINGTON, on behalf of herself and
21 all others similarly situated,

22 Plaintiff,

23 v.

24 MATTEL, INC. a Delaware Corp., and
FISHER-PRICE INC. a Delaware Corp., and
25 DOES 1 through 100, inclusive,

26 Defendants.
27
28

Case No. 07-05110 (MJJ)

**DECLARATION OF THOMAS A.
RECTOR IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION TO REMAND**

Date: December 11, 2007

Time: 9:30 a.m.

Dept.: Courtroom 11

DECLARATION OF THOMAS A. RECTOR IN
SUPPORT OF DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION TO REMAND

Case No. 07-5110 (MJJ)

1 I, Thomas A. Rector, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California, admitted to the
3 bar of the Northern District of California, and one of the attorneys of record for the Defendants in
4 this Action.

5 2. Plaintiff's action, filed on August 20, 2007, is one of eighteen duplicative and
6 overlapping class actions currently pending in federal district courts which were all filed
7 following voluntary toy recalls announced by Defendants on August 2, August 14, September 4,
8 2007, and October 25, 2007.

9 3. These actions focus primarily on toys, made by contract manufacturers in China,
10 that were recalled because surface paint on portions of the toys potentially contained levels of
11 lead in excess of applicable standards due to the application of noncompliant paint.

12 4. All eighteen of these cases – including this action – make similar claims, seek
13 fundamentally the same remedies, and purport to be filed on behalf of overlapping putative
14 classes of purchasers and users of recalled toys.

15 5. This action is one of only four of these overlapping class actions originally filed in
16 state courts. Defendants have removed each of these four cases; this is the only case in which a
17 remand motion has been filed.

18 6. In accordance with the provisions of 28 U.S.C. § 1407, on September 5, 2007,
19 Defendants filed a motion with the Judicial Panel on Multidistrict Litigation (the "JMPL")
20 seeking to have all of the cases coordinated for pretrial in one proceeding in the United States
21 District Court for the Central District of California, where the first of the cases was filed.

22 7. In accord with applicable JPML procedures, on October 9, 2007, Defendants
23 submitted notice to the JPML of this case as a potential tag-along action.

24 8. The JMPL has set the motion to transfer for hearing on November 29, 2007.

25 9. Plaintiff in this action served Defendants with the complaint and summons on
26 September 11, 2007.

27 10. Defendants timely removed this case on October 4, 2007 pursuant to the Class
28 Action Fairness Act of 2005, ("CAFA").

11. On November 5, 2007, Plaintiff filed a Motion to Remand ("Motion").

12. Attached hereto as Exhibit 1 is a true and correct copy of the Center for Disease Control's report entitled "Interpreting and Managing Blood Lead Levels <10µg/dL in Children and Reducing Childhood Exposures to Lead" November 2, 2007/56(RR08).

13. Attached hereto as Exhibit 2 is a true and correct copy of the American Academy of Pediatrics Policy Statement, Lead Exposure in Children: Prevention, Detection, and Management, Pediatrics Vol. 116 No. 4 October 2005.

I declare under penalty of perjury that the foregoing is true and correct. If called as a witness herein, I could and would testify competently to the facts stated above. Executed this 20th day of November, 2007 in San Francisco, California.

/s/ Thomas A. Rector

Thomas A. Rector

Attorney for Defendants
Mattel, Inc. and Fisher-Price, Inc.

PROOF OF SERVICE (FOR NON-EFILERS)

Amy Harrington, on behalf of herself and all others similarly situated v. Mattel, Inc., a Delaware Corp. and Fisher-Price Inc. a Delaware Corp. and Does 1-100,

I, Margaret Landsborough, declare:

I am a citizen of the United States and employed in San Francisco, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 California Street, 26th Floor, San Francisco, CA 94104.

On November 20, 2007, I caused to be served a copy of the within document(s):

DECLARATION OF THOMAS A. RECTOR IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO REMAND.

☐ by transmitting a true copy of the document(s) listed above via facsimile to the addresses and at the facsimile number(s) set forth below.

☒ by placing a true copy of the document(s) listed above in sealed envelope(s) for deposit with the U.S. Postal Service to the addresses set forth below.

I am readily familiar with the Firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ by placing a true copy of the document(s) listed above in a sealed Federal Express envelope, and affixing a pre-paid air bill, and causing said envelope to be delivered to a Federal Express agent for delivery to the persons at the addresses set forth below.

Steven M. Nunez
Law Offices of Steven Nunez
3333 Camino Del Rio Suite 215
San Diego, CA 92108

Telephone: (619) 296-8400
Facsimile: (619) 296-3700

Attorneys for Plaintiff

DECLARATION OF THOMAS A. RECTOR IN
SUPPORT OF DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION TO REMAND

1 I declare under penalty of perjury under the laws of the State of California that the above
2 is true and correct. Executed on November 20, 2007, at San Francisco, California.

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5 Margaret Landsborough
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